

Appl. No. 10/064,774
Amd. Dated July 30, 2004
Reply to Office Action Dated 03/02/2004

REMARKS

Please reconsider the application in view of the above amendment and the following remarks. Claims 1-65 remain pending. Claims 1, 16, 30, 45 and 59 have been amended herein. No new matter has been added by way of this amendment.

Rejection(s) under 35 U.S.C. § 103

The Examiner rejected claims 1-65 under 35 U.S.C. § 103(a) as being unpatentable over Meister et al, (US 2002/0060094) in view of Purfurst (US 4,745,802) and/or Hancock (US 4,090,397). Applicant respectfully traverses the rejection.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness. The references of record fail to teach at least one limitation of the pending claims (i.e. selective equalization). Additionally, there is no motivation to combine the references. To the extent such a combination is even possible, the combination would require impermissible hindsight reconstruction, and still would not achieve Applicant's claimed invention.

Amended Claims 1, 16, 30 and 45 clarify that pressure equalization occurs for the annular pressure when in fluid communication with the wellbore and pore pressure when in fluid communication with the formation. No such feature is provided by the art of record. Both Meister and Hancock are silent on pressure equalization. Purfurst describes introducing external mud pressure (via EV 61 in Fig. 12) across the snorkel to avoid sticking. *See Purfurst, Col. 4, lines 49-54*. However, Purfurst fails to even contemplate equalizing an internal pressure with the annular pressure when in fluid communication with the wellbore and pore pressure when in fluid communication with the formation as recited in the Claims. All of the cited references, including Purfurst, are silent on such a feature.

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Amended Claim 59 recites selectively equalizing pressure between the wellbore cavity and a measurement cavity via a cylinder, the cylinder having a piston therein defining a fluid chamber and a buffer chamber, the wellbore cavity in fluid communication with a buffer chamber, the fluid chamber in selective fluid communication with the measurement cavity. The Examiner suggests that Purfurst provides a piston with cavities in fluid communication with the flowline. However, the flowline (60) and the inlet to the drilling mud (H) are connected to the same chamber of the EV (61). Thus, Purfurst (and the other art of record) fail(s) to provide the features of Claim 59 as recited.

In view of the above, Applicant respectfully submits that none of the art of record (alone or in combination) teaches, discloses or even suggests the invention as recited in each of Applicant's claims. Applicant, therefore, requests withdrawal of the rejection under 35 U.S.C. § 103.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, please do not hesitate to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated March 2, 2004 for which the three-month date for response is June 2, 2004. Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months in which to respond to the Office Action. This two-month extension will bring the deadline for response to August 2, 2002, which is within the six-month statutory period. The Commissioner is authorized to charge the fee of \$420.00 to Deposit Account No. 19-0610 for the two month extension. It is believed that

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no fee is due for this response. Please apply any charges not covered, or any credits, to Deposit

Account 19-0610 (Reference Number 20.2792).

Date: 7/30/04

Respectfully submitted,

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